

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF VERMONT**

Victoria L. Farr
Debtor,

Case No. 12-10074
Chapter 13

Victoria L. Farr
Plaintiff,

Adv. Proceeding Number: _____

&

Jan M. Sensenich
Plaintiff,

vs.

CitiMortgage, Inc.
Defendant

**COMPLAINT FOR DETERMINATION OF VALIDITY
AND EXTENT OF LIEN**

NOW COMES the Plaintiff, by her attorney, Todd Taylor, and COMPLAINS against Defendant, as follows:

Predicate Allegations & Jurisdiction

1. This case was commenced by Debtor filing a voluntary petition under Chapter 13 of the Bankruptcy Code. The Debtor is the Plaintiff herein.

2. This is a core proceeding under 28 U.S.C. §157(b)(2). Jurisdiction of this Court is conferred under 11 U.S.C. §1334.

3. CitiMortgage, Inc. is licensed to do business in the State of Vermont, with CT Corporation System as their Registered Agent.

. 4. Trustee Jan M. Sensenich joins as Plaintiff in this action as a party in interest.

Main Allegations

5. This complaint is filed, pursuant to Bankruptcy Rule of Procedure 7001 and 11 U.S.C. 506, to determine the validity and extent of a lien - specifically a second mortgage, account number is xxxx8966, that was not recorded in the land records in which the lands and premises are located.

. 6. Under the “strong-arm clause” of 11 U.S.C. 544(a) a Trustee - and perhaps a Chapter 13 Debtor alone - has the power as hypothetical lien creditor to avoid unperfected security interests of a debtor in bankruptcy.

7. The second mortgage in question is an unperfected security interest because it was unrecorded.

Prayer for Relief

Plaintiff prays that:

1. The Court determine the validity and extent of the lien and that the second mortgage interest as set forth above be declared an invalid security interest and be declared avoided.

DATED: Colchester, Vermont
August 16, 2012

By: /s/Todd Taylor
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